

SENATE BILL No. 300

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-12.

Synopsis: Sex offender registration. Requires persons convicted of possession of child pornography to register as sex offenders. Increases the penalty for a person who fails to register as a sex offender to a Class B felony for a subsequent offense.

Effective: July 1, 2004.

Drozda

January 8, 2004, read first time and referred to Committee on Criminal, Civil and Public Policy.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 300

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 5-2-12-4, AS AMENDED BY P.L.116-2002, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) As used in this chapter, "offender" means a person convicted of any of the following sex and violent offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b)).
- (5) Vicarious sexual gratification (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9).
- (9) Incest (IC 35-46-1-3).
- (10) Sexual battery (IC 35-42-4-8).
- (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.



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(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

(13) **Possession of child pornography (IC 35-42-4-4(c)).**

(14) An attempt or conspiracy to commit a crime listed in subdivisions (1) through ~~(12)~~: **(13)**.

~~(14)~~ **(15)** A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through ~~(13)~~: **(14)**.

(b) The term includes a child who has committed a delinquent act and who:

(1) is at least fourteen (14) years of age;

(2) is on probation, is on parole, or is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(3) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 2. IC 5-2-12-9, AS AMENDED BY P.L.154-2003, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9. An offender who knowingly or intentionally:

(1) fails to register under this chapter; or

(2) fails to complete and submit a new registration form as required under section 8(a) of this chapter;

commits a Class D felony. However, the offense is a ~~Class C~~ **Class B** felony if the offender has a prior unrelated offense under this section.

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